

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL K. DuPONT

Petitioner (Applicant)

V.

CIVIL NO. 04-11431-GAO

DAVID NOLAN

Office of the Attorney General

Respondent

**APPLICATION FOR A CERTIFICATE OF
APPEALABILITY**

The Applicant-Petitioner, Michael K. DuPont, (“DuPont”) respectfully requests this Court grant him a certificate of appealability pursuant to 28 U.S.C. § 2253. DuPont seeks this certificate of appealability for the denial of his habeas corpus petition entered February 25, 2008.

The issues for which DuPont seeks this certificate of appealability are:

I. Mass. Gen. L. ch. 127 § 129 was improperly applied to deny DuPont the entitlement to the statutory good time credits, an entitlement which implicated a liberty interest protected by the Due Process Clause of the United States Constitution, and:

II. The controlling statute, Mass. Gen. L. ch. 127 § 129, did not provide DuPont with a fair warning that the statutory good time credits would be forfeited for any sentence imposed on a new offense while he was resident in a halfway house, or pre release facility, with an 90 day open reserve date for parole and:

III. The forfeiture of the statutory good time credits pursuant to Mass. Gen. L. ch. 127 § 129 violated the federal constitutional principles set forth in *United States v. Apprendi*, 530 U.S. 466 (2000) and *Blakely v. Washington*, 542 U.S. 296 (2004).

DuPont has filed a brief memorandum setting forth the reasons that support the granting of the certificate of appealability.

Dated: March 25, 2008

MICHAEL K. DuPONT

By:

/s/ Lois M. Lewis (BBO# 298580)
Lois M. Lewis
74 Fuller Terrace
West Newton, MA 02465

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on March 25, 2008.

/s/ Lois Lewis
Lois Lewis